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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/516,383

08/09/2005

Daniel Ottorino Armari

CU-4015 RJS

4758

26530 7590 10/30/2007  
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EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT

PAPER NUMBER

3637

MAIL DATE

DELIVERY MODE

10/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/516,383

Applicant(s)

ARMARI, DANIEL OTTORINO

Examiner

Jennifer E. Novosad

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 10/516,383.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **SUPPLEMENTAL DETAILED ACTION**

*At the outset*, it is noted that during a telephone discussion initiated by Mr. Brian Hameder on October 23, 2007, it was brought to the examiner's attention that a portion of the Office action mailed October 10, 2007, namely the Section 112, 2<sup>nd</sup> paragraph rejections, appeared to be incomplete. *Thus*, in response to that discussion, the following supplemental Office action is set forth. Applicant's period for reply will commence with the mailing of this communication.

This Office action is in response to the application filed August 9, 2005 and the preliminary amendment filed therewith by which claims 1-26 were canceled and claims 27-50 were added.

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/516,383, filed on August 9, 2005.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 27, 34, and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of the term "may" in claims 27 and 34 renders the claims indefinite since what "may be" to one, "may not be" to another, and thus the metes and bounds of the claims cannot be properly ascertained.

The recitation "one of those surfaces" in line 16 of claim 27 renders the claim indefinite since it is unclear what structure is being referenced.

Claim 40 is rendered indefinite by the term "if" and accordingly it is unclear whether applicant is claiming the recitation proceeding the term "if".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **27**-30, 32, 42, 44-46; **34**, 36, 37; and **50** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,138,803 (Grossen '803).

Grossen '803 discloses a mounting system (see Figure 3) comprising a supporting panel having a cavity therein with an aperture in the front face of the panel with the cavity widening from the aperture and the having a hook receiving portion having upper and lower surfaces (21 and 19 is one surface); a mount (53) having a hook (38) with a distal end (37) and a proximal end

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(20) whereby the hook is inserted into the cavity by rotation; the distal and proximal ends abut respective ones of the upper and lower surfaces; *with respect to claims 28 and 29*, the structure of the hook is compressible and resilient; *with respect to claim 30*, the lower surface extends upwardly towards the aperture; *with respect to claim 33*, the upper surface (66, 76) incorporates a recess (75) *configured to receive the distal portion of the hook* that is shaped to complement an outer surface of the hook; *with respect to claims 36 and 37*, the hook is formed by a pair of arcuate portions which are joined to form a generally V-shape; and *with respect to claims 44-46*, the cavity is part of an elongated slot and the panel includes a plurality of such slots with each slot being capable of holding a plurality of mounts.

Claims **34-40**, **49**; and **50** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,375,802 (Branham, II '802).

Branham, II '802 discloses a panel comprising a cavity arranged to receive a hook with the cavity having an aperture in a front face thereof which widens to the cavity; an upper surface of the cavity includes a recess and a lower surface incorporates an arcuate surface; the cavity has a recess; a hook formed by a pair of arcuate portions which define a *generally* V-shape with one of the arcuate portions defining a distal portion (top of Figure 3) and a proximal portion (bottom of Figure 3) whereby the recess has a wall surface which complements the outer surface of the distal portion.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **27**, **28**, **30**, **32**, **33**, **42**, **44**; and **34** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No.6,688,568 (Moufflet '568).

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Moufflet '568 discloses a mounting system comprising a supporting panel (1) having a cavity therein with an aperture in the front face of the panel with the cavity widening from the aperture and the having a hook receiving portion having upper (surface below 4 and 20) and lower surfaces (surface above 5 and including 21); a mount (12) having a hook with a distal end (15) and a proximal end (22) whereby the hook is inserted into the cavity by rotation; the distal and proximal ends abut respective ones of the upper and lower surfaces; *with respect to claim 28*, the structure of the hook is considered to be compressible since nearly every material have compression forces; *with respect to claim 30*, the lower surface extends upwardly towards the aperture; *with respect to claim 33*, the upper surface (above 15) incorporates a recess (unnumbered) *configured to receive the distal portion of the hook* that is shaped to complement an outer surface of the hook; and *with respect to claim 44*, the cavity is part of an elongated slot.

Claims 27, 28, 30, 32, 33, 42, 44-46; and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,772,890 (Campbell et al. '890).

Campbell et al. '890 disclose a mounting system (see Figure 4) comprising a supporting panel (5) having a cavity therein with an aperture in the front face of the panel with the cavity widening from the aperture and the having a hook receiving portion having upper and lower surfaces (66, 76 is one surface); a mount (58) having a hook with a distal end (below 75 in Figure 4) and a proximal end (above 82 in Figure 5) whereby the hook is inserted into the cavity by rotation; the distal and proximal ends abut respective ones of the upper and lower surfaces (i.e., the distal end at 76 and the proximal end at 66); *with respect to claim 28*, the structure of the hook is considered to be compressible since nearly every material have compression forces; *with respect to claim 30*, the lower surface extends upwardly towards the aperture; *with respect*

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*to claim 33, the upper surface (66, 76) incorporates a recess (75) configured to receive the distal portion of the hook that is shaped to complement an outer surface of the hook; and with respect to claims 44-46, the cavity is part of an elongated slot and the panel includes a plurality of such slots with each slot being capable of holding a plurality of mounts.*

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moufflet '568 as applied to claims 27, 28, 30, 32, 33, 42, 44; and 34 above, and further in view of Branham, II '802.

Moufflet '568 discloses the system as advanced above.

The claims differ from Moufflet '568 in requiring the lower surface to have an arcuate surface.

Branham, II '802 teaches a lower surface that has an arcuate shape.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the lower surface of Moufflet '568 with an arcuate shape, for ease in placement of the hook therein.

Claims 33, 38-41, 43, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grossen '803.

Grossen '803 discloses the system as advanced above.

The claims differ from Grossen '803 in requiring: (a) the wall surface of the recess to complement the distal portion of the hook (claims 33 and 41); (b) the arcuate portions to have a constant radius of curvature (claims 38-40); (c) the cavity having specific dimensions (claim 43); (d) the hook being made from sheet material having a specified dimension (claim 47); and (e) the panel being made from wood (claim 48).

*With respect to (a)*, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the wall surface would have the same shape as the hook for increased support of the hook.

*With respect to (b)*, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the arcuate portions would have a contact radius of curvature for increased ease in manufacture.

*With respect to (c)*, although Grossen '803 does not disclose the specified dimensions, it would have been obvious to one of ordinary skill in the art at the time the invention was made (i.e., the examiner takes official notice) to have fabricated the panel having such a size, for ease in economy and manufacture.

*With respect to (d) and (e)*, although Grossen '803 does not disclose the specified materials, it would have been obvious to one of ordinary skill in the art at the time the invention was made (i.e., the examiner takes official notice) to have fabricated the elements from such materials for ease in economy and manufacture.

Claims 43, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moufflet '568, alone.



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Moufflet '568 discloses the system as advanced above.

The claims differ from Moufflet '568 in requiring: (a) the cavity having specific dimensions (claim 43); (b) the hook being made from sheet material having a specified dimension (claim 47); and (c) the panel being made from wood (claim 48).

*With respect to (a)*, although Moufflet '568 do not disclose the specified dimensions, it would have been obvious to one of ordinary skill in the art at the time the invention was made (i.e., the examiner takes official notice) to have fabricated the panel having such a size, for ease in economy and manufacture.

*With respect to (b) and (c)*, although Moufflet '568 do not disclose the specified materials, it would have been obvious to one of ordinary skill in the art at the time the invention was made (i.e., the examiner takes official notice) to have fabricated the elements from such materials for ease in economy and manufacture.

Claims 43, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al. '890, alone.

Campbell et al. '890 disclose the system as advanced above.

The claims differ from Campbell et al. '890 in requiring: (a) the cavity having specific dimensions (claim 43); (b) the hook being made from sheet material having a specified dimension (claim 47); and (c) the panel being made from wood (claim 48).

*With respect to (a)*, although Campbell et al. '890 do not disclose the specified dimensions, it would have been obvious to one of ordinary skill in the art at the time the invention was made (i.e., the examiner takes official notice) to have fabricated the panel having such a size, for ease in economy and manufacture.

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*With respect to (b) and (c)*, although Campbell et al. '890 do not disclose the specified materials, it would have been obvious to one of ordinary skill in the art at the time the invention was made (i.e., the examiner takes official notice) to have fabricated the elements from such materials for ease in economy and manufacture.

### ***Conclusion***

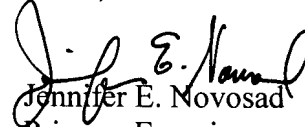
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jennifer E. Novosad  
Primary Examiner  
Art Unit 3637

October 23, 2007